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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
|-----------------|-------------|----------------------|---------------------|------------------|

10/590,260

08/18/2006

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FMCE-P145

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03/12/2010

EXAMINER

LEE, CHUN KUAN

ART UNIT

PAPER NUMBER

2181

MAIL DATE

DELIVERY MODE

03/12/2010

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

| | | | |
|----------------------------------------------------------------------------------------------|--------------------------------------|----------------------------------------|--|
| <p align="center">Advisory Action Before the Filing of an Appeal Brief</p> | Application No. 10/590,260 | Applicant(s) JOHANSEN ET AL. | |
| | Examiner Chun-Kuan Lee | Art Unit 2181 | |

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 16 February 2010 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
 b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
 (a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
 (b) ☐ They raise the issue of new matter (see NOTE below);
 (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
 5. ☒ Applicant's reply has overcome the following rejection(s): Objection to applicant's Drawings has been overcome.
 6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
 7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
 The status of the claim(s) is (or will be) as follows:
 Claim(s) allowed: _____.
 Claim(s) objected to: _____.
 Claim(s) rejected: 16, 17 and 19.
 Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
 9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
 10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
Please see Continuation Sheet below.
 12. ☐ Note the attached Information *Disclosure Statement*(s). (PTO/SB/08) Paper No(s). _____
 13. ☐ Other: _____.

/Chun-Kuan Lee/
Examiner, Art Unit 2181

In response to applicant's arguments (on pages 3-4) with regard to the independent claims 16 and 19 rejected under 35 U.S.C. 103(a) that the combination of the references does not teach/suggest the claimed feature that a plurality of devices are connected to a junction and include a bus controller having a unique address because none of Sitte's devices (Fig. 1, ref. 22, 26, 30, 34) comprises a bus controller having a unique address; consequently, these devices cannot be identified by the main controller; applicant's arguments have fully been considered, but are not found to be persuasive.

The examiner respectfully disagrees, and to further clarify the examiner rational, based on the explanation in the preceding office action, the above claimed feature corresponding to the devices comprising a bus controller having a unique address and connected to the junction is functionally equivalent to Sitte's devices (Sitte, Fig. 1, ref. 22, 26, 30 and 34) that are connected to Sitte's junction (Sitte, Fig. 1, ref. 20 and Fig. 11) having the bus controller (Sitte, Fig. 11, ref. 220-230); as it was agreed upon during the interview dated 12/10/2009, applicant's bus controller having the unique address is to allow the control module to identify each of the devices, which is functional equivalent to Sitte's devices (Sitte, Fig. 1, ref. 22, 26, 30 and 34) being identified by the control module (Sitte, Fig. 1, ref. 12) via the junction's (Sitte, Fig. 1, ref. 20 and Fig. 11) bus controller (Sitte, Fig. 11, ref. 220-230) for proper communication (Sitte, col. 7, l. 55 to col. 8, l. 1) between the control module and the devices connected to the junction (Sitte, Fig. 1; Fig. 11; col. 4, ll. 39-45; col. 7, l. 8 to col. 8, l. 51; col. 9, ll. 39-64; col. 13, ll. 17-22 and col. 15, l. 18 to col. 17, l. 49).

Furthermore, it is to the best of the examiner's understanding that the claimed feature corresponding to the devices comprising a bus controller having a unique address and connected to the junction is operating in accordance to Controller Area Network (CAN) protocol (Specification, page 8, lines. 16-20 and page 9, lines 6-12), and since Sitte's system is operating in accordance to Controller Area Network (CAN) protocol as well (Sitte, Fig. 1; Fig. 11; col. 4, ll. 39-45; col. 7, l. 8 to col. 8, l. 51; col. 9, ll. 39-64; col. 13, ll. 17-22 and col. 15, l. 18 to col. 17, l. 49), the operation of Sitte's system is functionally equivalent to the operation of claimed feature, as both are utilizing the same Controller Area Network (CAN) protocol.

In response to applicant's arguments (on page 4) with regard to the independent claims 16 and 19 rejected under 35 U.S.C. 103(a) that the combination of the references does not teach/suggest the claimed feature of having a plurality of branches cables which are each connected between the junction and a corresponding electrical connector that in turn is removable connectable to one of the devices because Sitte does not disclose how the devices (Fig. 1, ref. 22, 26, 30, 34) are connected to the junction, and that to assume they are connected in a particular manner is sheer speculation; and since these devices are not smart devices, they are not connected as shown in Figure 11, because Figure 11 only illustrates the connection of a "smart" device to the cable unit; applicant's arguments have fully been considered, but are not found to be persuasive.

The examiner respectfully disagrees, and to further clarify the examiner rational, based on the explanation in the preceding office action, as the above claim feature corresponds to applicant's Figure 4 in applicant's Drawings, wherein a plurality of branches cables (applicant's Drawings, Figure 4, ref. 91a) which are each connected between the junction (applicant's Drawings, Figure 4, ref. 93) and a corresponding electrical connector that in turn is removable connectable to one of the devices (applicant's Drawings, Figure 4, ref. 90a-90e); which is functionally equivalent to Sitte's plurality of branches cables (e.g. cables connecting between the junction 20 and a plurality of devices 22, 26, 30, 34 of Figure 1) which are each connected between the junction (Fig. 1, ref. 20) and a corresponding electrical connector that in turn is removable (e.g. as the devices are removable replaced or added) connectable to one of the devices (Fig. 1, ref. 22, 26, 30, 34) (col. 7, l. 8 to col. 8, l. 51 and col. 15, l. 18 to col. 17, l. 49).

Additionally, as discussed above, since applicant's inventive architecture (Specification, page 8, lines. 16-20 and page 9, lines 6-12) and Sitte's system both operate in accordance to Controller Area Network (CAN) protocol; the operation of the two architectures is functionally equivalent.

Furthermore, the examiner respectfully disagrees regarding to applicant's arguments that Sitte's Figure 11 only illustrates connection of a smart device and therefore not applicable to the connection of the devices (Fig. 1, ref. 22, 26, 30, 34) to the junction (Fig. 1, ref. 20), and to further clarify the examiner rational regarding Sitte's Figures 1 and 11: in Figure 1, the devices 22 and 26 are proximity switches and devices 30 and 34 are photoelectric devices, wherein these devices are connected to the intelligent multiple port interconnection system (e.g. junction) (Fig. 1, ref. 20) for communicating with the main controller (Fig. 1, ref. 12) (e.g. the devices communicate with the main controller via the junction) (col. 7, l. 8 to col. 8, l. 1); and in Figure 11, the device that can be connected to the junction (Fig. 11, ref. 220-230, 704, 710, 712, 714, 730) includes photoelectric device (e.g. Fig. 1, ref. 30, 34) and virtually any other types of sensing element that can provide a signal representing a particular characteristic of the environment surrounding the sensor (e.g. Fig. 1, ref. 22, 26), wherein the device communicates with the main controller (Fig. 1, ref. 12) via the junction (Fig. 11, ref. 220-230, 704, 710, 712, 714, 730) (Sitte, col. 15, l. 18 to col. 17, l. 49); therefore, Sitte's Figure 11 architecture is relevant to Sitte's devices 22, 26, 30 and 34, because Sitte's Figure 11 shows how these devices (Fig. 1, ref. 22, 26, 30 and 34) are coupled to the junction (Fig. 1, ref. 20) for communication with the main controller (Fig. 1, ref. 12).

As a final note, it was discussed during the interview dated 12/11/2009 that the inventive concept of applicant's invention is to have a cable and a hardness with connectors, wherein the connectors are able to receive devices with processor that can be recognized by the control module, and Sitte's system does teach a cable (Fig. 1, ref. 10) and a hardness with connectors, wherein the connectors are able to receive devices (Fig. 1, ref. 14, 16, 18, 21) with processor (Fig. 5-8, ref. 220-230) that can be recognized by the control module (Fig. 1, ref. 12) (Sitte, Fig. 1; col. 4, ll. 63-66; col. 11, l. 46 to col. 13, l. 22 and col. 15, l. 18 to col. 17, l. 49).

As per claim 17, dependent claim 17 is not patentable at least due to direct dependency on the rejected independent claim 16.

In responding to all applicant's arguments, the examiner will maintain his position and the current rejection of record.